# Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

| | |
|---|---|
| Permittee Name: | Ms. Judith A. Breznay |
| Mailing Address: | 265 Corning Drive<br>Danville, VA 24541 |
| Facility Name: | Corning, Inc. |
| DEQ Registration Number: | 30422 |
| Facility Location: | 265 Corning Drive, Danville, Virginia |
| AIRS Identification No.: | 51-590-0038 |

| Permit Number | Effective Date | Expiration Date |
|---|---|---|
| VA-30422 | August 26, 2002 | August 26, 2007 |

_____

Robert G. Burnley
Director, Department of Environmental Quality

_____

Signature Date

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# I. Facility Information

**Permittee**
Corning, Inc.
265 Corning Drive
Danville, VA 24541

**Responsible Official**
Judith A. Breznay
Plant Manager

**Facility**
Corning, Inc.
265 Corning Drive
Danville, VA 24541

**Contact Person**
Ralph M. Nuckols
Environmental and Safety Specialist
(434) 793-9511

**AIRS Identification Number:** 51-590-0038

**Facility Description:** SIC code 3229 - Facility manufactures specialty glass. Raw materials are received in a variety of containers ranging from 50-lb bags to railcars. Materials are stored in a warehouse except for sand, which is pneumatically conveyed to a storage silo. Materials are weighed, mixed, and added to glass melting furnaces. Raw materials are introduced to the glass melting furnaces in frequent small amounts (6 times per hour), in order to maintain steady state operation within the furnace. Molten glass is formed, then treated with either heat or a chemical process to enhance ability to be rapidly heated and cooled. Empty bags from raw materials are baled prior to disposal. Unacceptable finished product is broken into cullet for reintroduction to the process as a raw material.

## II. Emission Units

Equipment to be operated consists of:

### A. Significant Emissions Units

| Emission Unit ID | Stack ID | Emission Unit Description | Size/Rated Capacity* | Pollution Control Device (PCD) Description | PCD ID | Pollutant Controlled | Applicable Permit Date |
|---|---|---|---|---|---|---|---|
| 400-03<br>400-04 | P01 | Boilers No. 1 & 2<br>Orr & Sembower 3LG (gas/oil/propane); 1961 | 10.5 MMBtu/hr, each | - | - | - | - |
| 400-05 | P02 | Boiler No. 3<br>Cleaver Brooks CB-200-250 (gas/propane); 1980 | 10.4 MMBtu/hr | - | - | - | July 24, 2001 |
| EU-02 | P18 | Raw Material Weighing Stations, Mixers, & Dump Stations; 1989 | 2.5 tons/hr | Pneumafil Model 11.5 Fabric Filter | - | PM | - |
| T172 | F11 | Corning, Inc. Glass Melting Furnace;<br>Hot and Cold Crown; 1970 | 445 lb/hr | - | - | - | - |
| T173 | F11 | Corning, Inc. Glass Melting Furnace;<br>Hot Crown; 1970 | 416 lb/hr | - | - | - | - |
| T174 | F11 | Corning, Inc. Glass Melting Furnace;<br>Hot Crown; 1965 | 280 lb/hr | - | - | - | - |
| T175 | F11 | Corning, Inc. Glass Melting Furnace;<br>Hot Crown; 1965 | 280 lb/hr | - | - | - | - |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| T176 | F11 | Corning, Inc. Glass Melting Furnace; Hot Crown; 1964 | 250 lb/hr | - | - | - | - |
| T177 | F11 | Corning, Inc. Glass Melting Furnace; Hot and Cold Crown; 1970 | 335 lb/hr | - | - | - | - |
| T179 | F11, 420-13, 420-14 | Corning, Inc. Glass Melting Furnace; Cold Crown; 1970 | 416 lb/hr | - | - | - | November 27, 2001 |
| 343-69 | 343-69 | Eutectic Ultra-Jet Metal Powder Coating; 1994 | 9 lb/hr | Torit Model DFTZ-4 Cartridge Filter | - | PM | June 6, 1994 |
| 353-20 | P21 | HF Bath; 1981 | 270 gal | - | - | - | - |
| EU-20 | P46 | Vycor Leach Lines; 1980 | 9 lines; 12,600 gal/line | - | - | - | - |

[*]The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

**B. Insignificant Emission Units**

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

| Emission Unit No. | Emission Unit Description | Citation | Pollutant(s) Emitted (9 VAC 5-80-720 B) | Rated Capacity (9 VAC 5-80-720 C) |
|---|---|---|---|---|
| EU-05 | Maintenance Painting | 9 VAC 5-80-720 A.7 | VOC | Varies |
| 280-03<br>280-05<br>280-09<br>280-12 | Annealing Lehrs (Fuel Burning Equipment) | 9 VAC 5-80-720 C.2 a | Products of Combustion | Each with rated capacity < 8.5 MMBtu/hr |
| EU-07<br>EU-08<br>297-23<br>297-24<br>297-27 | Fire Polishers | 9 VAC 5-80-720 C.2 a | Products of Combustion | Each with rated capacity < 1.8 MMBtu/hr |
| T172MP<br>T173MP<br>T174MP<br>T175MP<br>T177MP | Mold Preheaters | 9 VAC 5-80-720 C.2 a | Products of Combustion | Each with rated capacity < 1.2 MMBtu/hr |
| T176TB | Torching Burner | 9 VAC 5-80-720 C.2 a | Products of Combustion | 0.05 MMBtu/hr |
| 328-18 | Ceramming Oven | 9 VAC 5-80-720 C.2 a | Products of Combustion | 4 MMBtu/hr |
| 296-76<br>296-77<br>296-78<br>296-79 | Rotary Furnace | 9 VAC 5-80-720 C.2 a | Products of Combustion | Each with rated capacity $\leq$ 2.0 MMBtu/hr |
| EU-19 | Three End Polishers | 9 VAC 5-80-720 C.2 a | Products of Combustion | 2.5 MMBtu/hr total combined capacity |
| 420-55<br>420-57 | Renite Collection System | 9 VAC 5-80-720 B.1 | PM | Each with rated capacity 7.5 tpy renite usage |
| EU-09 | Rubber Rod Usage | 9 VAC 5-80-720 B.1 | PM | 200 rods/yr @ 0.25 lb/rod |
| EU-10 | Stop Check Compound Usage | 9 VAC 5-80-720 B.1 | PM | 250 lb/yr |
| EU-12 | Machine Shop | 9 VAC 5-80-720 B.1 | PM | NA |
| 420-75 | Brick Drilling | 9 VAC 5-80-720 B.1 | PM | NA |
| 210-36<br>210-72 | Cullet Crusher | 9 VAC 5-80-720 B.1 | PM | 0.4 ton/hr, each |
| EU-01 | 6 Sand Silos and Bucket Conveyor | 9 VAC 5-80-720 B.1 | PM | 2.5 ton/hr |
| EU-04 | Arsenic Tank | 9 VAC 5-80-720 B.5 | Arsenic | 3,000 gallons |

| | | | | |
|---|---|---|---|---|
| 342-08<br>342-25<br>342-27<br>346-27 | Sand Blaster | 9 VAC 5-80-720 B.1 | PM | NA |
| 400-40 | Diesel Engine for Compressor | 9 VAC 5-80-720 C.4 b | Products of Combustion | 215 hp |
| 403-00 | Diesel Engine for Emergency Water Pump | 9 VAC 5-80-720 C.4 b | Products of Combustion | 115 hp |
| 420-36 | Machine Shop (Maintenance) | 9 VAC 5-80-720 A.29 | PM | NA |
| EU-14<br>EU-15 | Gas Engine for Emergency Water Pump | 9 VAC 5-80-720 C.4 a | Products of Combustion | Each $\leq$ 8 hp |
| EU-16 | Gas Generator | 9 VAC 5-80-720 C.4 a | Products of Combustion | 5 hp |
| EU-17 | Welding Stations | 9 VAC 5-80-720 A.15 | PM | NA |
| EU-18 | Wood Cutting & Sanding | 9 VAC 5-80-720 A.29 | PM | NA |
| EU-03 | Raw Material Feed System | 9 VAC 5-80-720 B.1 | PM | 1.2 ton/hr |
| 353-20 | HF Frosting Bath | 9 VAC 5-80-720 B.5 | Hydrogen fluoride | 129 gallons, each |
| 420-08 | Hi-Vac Central Vacuum | 9 VAC 5-80-720 B.1 | PM | 1.0 ton/hr |
| 420-62 | CEA-Carter Day Model CFR372-RJ-60 Baler for Empty Raw Material Bags | 9 VAC 5-80-720 B.1 | PM | 50 bags/hr |
| 291-04<br>291-05 | Nitric Acid Storage Tank | 9 VAC 5-80-720 B.1 | $NO_x$ | 10,000 gallons (< 70% conc.), each |

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## III. Fuel Burning Equipment Requirements - Orr and Sembower Model 3LG Boilers (400-03 and 400-04)

### A. Limitations

1. The approved fuels for the Orr and Sembower boilers (400-03 and 400-04) are natural gas, propane, and distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials. A change in the fuels may require a permit to modify and operate. (9 VAC 5-80-110 B)

2. Emissions from each Orr and Sembower boiler (400-03 and 400-04) shall not exceed the limits specified below:

   | | |
   |---|---|
   | Particulate Matter | 0.49 lb/MMBtu |
   | Sulfur Dioxide | 27.72 lb/hr |

   (9 VAC 5-80-110, 9 VAC 5-40-900 A 1, and 9 VAC 5-40-930 A 1)

3. Visible Emissions from the Orr and Sembower boilers' (400-03 and 400-04) stack shall not exceed 20% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60% opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
   (9 VAC 5-80-110, 9 VAC 5-40-80, and 9 VAC 5-40-940)

4. Boiler emissions shall be controlled by proper operation and maintenance. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
   (9 VAC 5-80-110)

5. The permittee shall develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance with respect to the Orr and Sembower boilers (400-03 and 400-04) in order to minimize the duration and frequency of excess emissions.
   (9 VAC 5-80-110)

**B. Monitoring**

1. At least one time per month an observation of the presence of visible emissions from the stack (PO1) for both Orr and Sembower boilers (400-03 and 400-04) shall be made. The presence of visible emissions shall require the permittee to:

   a. take timely corrective action such that the boiler with visible emissions resumes operation with no visible emissions, or,

   b. conduct a visible emission evaluation (VEE) on the stack with visible emissions in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six (6) minutes, to assure visible emissions from the affected boiler are 20% opacity or less. If any of the observations exceed the opacity limitation of 20%, the observation period shall continue until a total of sixty (60) minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that each boiler resumes operation within the 20% opacity limit.

   c. Anytime the monthly visible emission observations show visible emissions, or when requested by DEQ, the monitoring frequency shall be increased to once per week for that stack. After achieving four consecutive weeks without visible

emissions from this stack, the permittee may resume monthly visible emissions observations.

The permittee shall maintain a boiler stack observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If the boiler has not been operated for any period during the month or week it shall be noted in the log book.
(9 VAC 5-80-110 E and 9 VAC 5-80-110 K)

### C. Recordkeeping

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:

   a. Results of the monthly or weekly opacity observation of the Orr and Sembower (400-03 and 400-04) boiler stack (P01), along with any corrective actions, and

   b. The annual combustion of each fuel (natural gas in cubic feet, propane in gallons, and distillate oil in gallons) in the Orr and Sembower (400-03 and 400-04) boilers, calculated for each calendar year.

   c. Operating procedures, maintenance schedules, and service records for all air pollution-related equipment.

   d. The origin and value of all emission factors for all pollutants.

   These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
   (9 VAC 5-40-50 H and 9 VAC 5-80-110)

## IV. Fuel Burning Equipment Requirements - Cleaver Brooks Model CB 200-250 Boiler (400-05)

### A. Limitations - Cleaver Brooks Model CB 200-250 Boiler (400-05)

1. The approved fuels for the Cleaver Brooks boiler (400-05) are natural gas and propane. A change in the fuels may require a permit to modify and operate.
   (9 VAC 5-80-110 B and Condition 3 of the permit issued July 24, 2001)

2. Emissions from the operation of the Cleaver Brooks boiler (400-05) shall not exceed the limits specified below:

| | | |
|---|---|---|
| Sulfur Dioxide | 0.17 lb/hr | 0.75 tons/yr |

| | | |
|---|---|---|
| Nitrogen Oxides (as NO2) | 2.16 lb/hr | 9.5 tons/yr |
| Carbon Monoxide | 0.84 lb/hr | 3.7 tons/yr |

(9 VAC 5-80-110 and Condition 5 of the permit issued July 24, 2001)

3. Visible Emissions from the Cleaver Brooks boiler (400-05) stack (PO2) shall not exceed 20% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30% opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110, 9 VAC 5-50-80, and Condition 6 of the permit issued July 24, 2001)

4. Boiler emissions shall be controlled by proper operation and maintenance. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
(9 VAC 5-80-110 and Condition 4 of the permit issued July 24, 2001)

5. The permittee shall develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance with respect to the Cleaver Brooks boiler (400-05) in order to minimize the duration and frequency of excess emissions.
(9 VAC 5-80-110 and Condition 4 of the permit issued July 24, 2001)

**B. Monitoring**

1. At least one time per month an observation of the presence of visible emissions from the Cleaver Brooks boiler (400-05) stack (P02) shall be made. The presence of visible emissions shall require the permittee to:

   a. take timely corrective action such that the boiler with visible emissions resumes operation with no visible emissions, or,

   b. conduct a visible emission evaluation (VEE) on the stack with visible emissions in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six (6) minutes, to assure visible emissions from the affected boiler are 20% opacity or less. If any of the observations exceed the opacity limitation of 20%, the observation period shall continue until a total of sixty (60) minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that each boiler resumes operation within the 20% opacity limit.

   c. Anytime the monthly visible emission observations show visible emissions, or when requested by DEQ, the monitoring frequency shall be increased to once per week for that stack. After achieving four consecutive weeks without visible

emissions from this stack, the permittee may resume monthly visible emissions observations.

The permittee shall maintain a boiler stack observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If the boiler has not been operated for any period during the month or week it shall be noted in the log book.
(9 VAC 5-80-110 E and 9 VAC 5-80-110 K)

### C. Recordkeeping

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:

   a. Results of the monthly or weekly opacity observation of the Cleaver Brooks boiler (400-05) stack, along with any corrective actions

   b. The annual combustion of each fuel (natural gas in cubic feet and propane in gallons) in the Cleaver Brooks boiler (400-05), calculated for each calendar year.

   c. Operating procedures, maintenance schedules, and service records for all air pollution-related equipment.

   d. The origin and value of all emission factors for all pollutants.

   These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
   (9 VAC 5-50-50 and 9 VAC 5-80-110)

## V. Process Equipment Requirements - Metal Powder Spray Coating System (343-69)

### A. Limitations

1. Particulate emissions from the metal powder spray coating process (343-69) shall be controlled by a cartridge filter. The cartridge filter shall be provided with adequate access for inspection. The cartridge filter shall be equipped with a device to continuously measure the differential pressure drop across the filter. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.
   (9 VAC 5-80-110 and Condition 3 of the permit issued June 6, 1994)

2. The metal powder spray process (343-69) shall not operate more than 180 hours per year.
(9 VAC 5-80-110 and Condition 5 of the permit issued June 6, 1994)

3. Visible emissions from the metal powder spray coating system (343-69) shall not exceed 5% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
(9 VAC 5-80-110 and Condition 6 of the permit issued June 6, 1994)

4. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to the metal powder spray coating system (343-69) and associated pollution control equipment (cartridge filter) which affects such emissions:

   a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance,

   b. Have available written operating procedures for the metal powder spray coating system (343-69) and associated pollution control equipment. These procedures shall be based on the manufacturer's recommendations, at minimum, and

   c. Maintain an inventory of spare parts that are needed to minimize the duration of pollution control equipment breakdowns.

   (9 VAC 5-80-110)

**B. Monitoring**

1. At least one time during each month in which the metal powder coating system (343-69) is operated, an observation of the presence of visible emissions from the metal powder spray coating system (343-69) exhaust stack shall be made. The presence of visible emissions shall require the permittee to take timely corrective action such that the metal powder spray coating system (343-69) resumes operation with no visible emissions. Anytime the monthly visible emission observations show visible emissions, or when requested by DEQ, the monitoring frequency shall be increased to once per period of operation for that stack. After achieving four consecutive operating periods without visible emissions from this stack, the permittee may resume monthly visible emissions observations. The permittee shall maintain a metal powder coating system (343-69) stack observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If the metal powder spray coating system has not been operated during the month, it shall be noted in the log book.
(9 VAC 5-80-110 E and 9 VAC 5-80-110 K)

### C. Recordkeeping

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:

   a. The annual number of hours of operation of the metal powder spray coating system (343-69), calculated monthly as the sum of each consecutive 12 month period,

   b. Results of the opacity observations of the metal powder coating system (343-69), along with any corrective actions,

   c. Operating procedures, maintenance schedules, and service records for all air pollution-related equipment, and

   d. The origin and value of all emission factors for all pollutants.

   These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
   (9 VAC 5-50-50, 9 VAC 5-80-110, and Conditions 8, 12, and 13 of the permit issued June 6, 1994 permit)

## VI. Process Equipment Requirements - Glass Melting Furnaces (T172, T173, T174, T175, T176, T177, and T179)

### A. Limitations

1. The approved fuels for the glass melting furnaces (T172 - T177 and T179) are natural gas and propane. A change in the fuels may require a permit to modify and operate.
   (9 VAC 5-80-110 B and Condition 5 of the permit issued November 27, 2001)

2. The permittee is limited to the use of raw materials containing no inorganic arsenic in glass melting furnaces (T173 and T179). Use of inorganic arsenic in these tanks may require a permit to modify and operate. If a permit is required, failure to obtain the permit prior to the change in process formulation may result in enforcement action.
   (9 VAC 5-80-110, 9 VAC 5-50-200, and Condition 3 of the permit issued November 27, 2001)

3. The production of non-arsenic glass in glass melting furnace (T179) shall not exceed 9,984 lb/day, calculated hourly as the sum of each consecutive 24 hour period.
   (9 VAC 5-80-110 B and Condition 4 of the permit issued November 27, 2001)

4. Visible emissions from the glass melting furnace roof ventilator (F11) shall not exceed 20% opacity except during one six minute period in any one hour in which visible emissions shall not exceed either:

   a. 60% opacity, when glass melting furnace T179 is not operating using F11, or
   b. 30% opacity, when glass melting furnace T179 is operating using F11.

   Visible emissions shall be determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
   (9 VAC 5-40-80, 9 VAC 5-50-80, 9 VAC 5-80-110, and Condition 8 of the permit issued November 28, 2001)

5. Visible Emissions from the glass melting furnace (T179) stacks (420-13 and 420-14) shall not exceed 20% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30% opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
   (9 VAC 5-80-110, 9 VAC 5-50-80, and Condition 8 of the permit issued November 28, 2001)

6. Arsenic emissions from the operation of each glass melting furnace (T172, T174, T175, T176, and T177) shall be less than the limits specified below:

   Inorganic arsenic 2.5 megagrams/yr

   (9 VAC 5-50-110 and 40 CFR 61 Subpart N)

7. Particulate matter emissions from the operation of each glass melting furnace shall be less than the limits specified below:

   | | |
   |---|---|
   | Melt Tank T172 | 1.50 lb/hr |
   | Melt Tank T173 | 1.46 lb/hr |
   | Melt Tank T174 | 1.10 lb/hr |
   | Melt Tank T175 | 1.10 lb/hr |
   | Melt Tank T176 | 1.02 lb/hr |
   | Melt Tank T177 | 1.24 lb/hr |

   (9 VAC 5-40-260 and 9 VAC 5-80-110)

8. Emissions from the operation of glass melting furnace (T179) shall not exceed the limits specified below:

   | | | |
   |---|---|---|
   | Particulate Matter | 1.40 lb/hr | 6.1 tons/yr |
   | PM-10 | 1.40 lb/hr | 6.1 tons/yr |
   | Sulfur Dioxide | 1.17 lb/hr | 5.1 tons/yr |

| | | |
|---|---|---|
| Nitrogen Oxides (as $NO_2$) | 1.77 lb/hr | 7.7 tons/yr |

(9 VAC 5-80-110 and Condition 7 of the permit issued November 27, 2001)

9. Glass melting furnace emissions shall be controlled by proper operation and maintenance. Operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the non-arsenic glass melting furnaces. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-80-110 and Condition 6 of the permit issued November 27, 2001)

**B. Monitoring**

1. At least one time per month an observation of the presence of visible emissions from each of the glass melting furnace stacks (F11, 420-13, and 420-14) shall be made. The presence of visible emissions shall require the permittee to:

   a. take timely corrective action such that the glass melting furnace with visible emissions resumes operation with no visible emissions, or,

   b. conduct a visible emission evaluation (VEE) on the stack(s) (F11, 420-13, 420-14) with visible emissions in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six (6) minutes, to assure visible emissions from the affected glass melting furnace are 20% opacity or less. If any of the observations exceed the opacity limitation of 20%, the observation period shall continue until a total of sixty (60) minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that each glass melting furnace resumes operation within the 20% opacity limit.

   c. Anytime the monthly visible emission observations show visible emissions, or when requested by DEQ, the monitoring frequency shall be increased to once per week for that melting furnace. After achieving four consecutive weeks without visible emissions from this melting furnace stack, the permittee may resume monthly visible emissions observations.

   The permittee shall maintain an observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If a glass melting furnace has not been operated or if a stack has not been used for any period during the month or week, it shall be noted in the log book.
   (9 VAC 5-80-110 E and 9 VAC 5-80-110 K)

2. At a frequency not to exceed once every five years, the permittee shall conduct a stack test for PM and PM-10 from at least one (1) glass melting furnace operated as cold crown and at least one (1) glass melting furnace operated as hot crown to demonstrate compliance with the applicable hourly emission limits contained in this permit. Unless otherwise requested by the South Central Regional Office, performance testing required by this condition shall not be repeated for a given glass melting furnace until all other glass melting furnaces have been tested. The initial test shall be performed within 180 days after the effective date of this permit. The test shall be conducted and reported and data reduced as set forth in 9 VAC 5-40-30 or 9 VAC 5-50-30 as applicable. The details of the tests shall be arranged with the South Central Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the South Central Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.
(9 VAC 5-80-110, 9 VAC 5-40-30, and 9 VAC 5-50-30)

**C. Recordkeeping**

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:

   a. The annual usage of arsenic (in grams) used in each glass melting furnace (T172, T174, T175, T176, and T177), calculated monthly as the sum of each consecutive 12-month period.

   b. Records sufficient to show compliance with Conditions VI A 7 and VI A 8.

   c. Results of the monthly or weekly opacity observation of each of the glass melting furnace stacks (F11, 420-13, and 420-14), along with any corrective actions.

   d. The uncontrolled arsenic emission rate from each glass melting furnace (T172, T174, T175, T176, and T177) calculated at the end of every 6-month period for the preceding and forthcoming 12-month periods.

   e. Non-arsenic glass production records sufficient to show compliance with Condition VI A 3.

   f. Operating procedures, maintenance schedules, operator training records and service records for the glass melting furnaces.

   g. The origin and value of all emission factors for all pollutants.

   h. Copies of all stack tests.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50, 9 VAC 5-80-110, 40 CFR 61 Subpart N, and Condition 9 of the permit issued November 27, 2001)

## VII. Process Equipment Requirements - HF Bath (353-20)

### A. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to the annual usage of HF (in pounds) used in the HF bath (353-20), calculated annually as the sum of each consecutive 12-month period and the origin and value of all emission factors for all pollutants. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-80-110)

## VIII. Process Equipment Requirements - Vycor Leach Lines (EU-20)

### A. Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to calculate emissions from the vycor leach tanks. The content of and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to, the annual usage of nitric acid (in pounds) used in the vycor leach tanks (EU-20) and hydrogen fluoride emissions from the vycor leach tanks (EU-20), calculated annually as the sum of each consecutive 12-month period and the origin and value of all emission factors for all pollutants. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50 and 9 VAC 5-80-110)

## IX. Process Equipment Requirements - Weigh Stations, Mixers, and Dump Stations (EU-02)

### A. Limitations

1. Emissions from the operation of the weigh stations, mixers, and dump stations (EU-02) shall be controlled by a fabric filter (C420-61).
(9 VAC 5-80-110)

2. Emissions from the operation of the weigh stations, mixer, and dump stations (combined) (EU-02) shall not exceed the limits specified below:

   Particulate Matter 7.57 lb/hr

   (9 VAC 5-80-110)

3. Visible emissions from the fabric filter controlling emissions from the weigh stations, mixer, and dump stations (EU-02) shall not exceed 20% opacity except during one six minute period in any one hour in which visible emissions shall not exceed 30% opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction. (9 VAC 5-50-80 and 9 VAC 5-80-110)

4. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to the weigh stations, mixer, and dump stations (EU-02) and associated pollution control equipment (fabric filter) which affects such emissions:

   a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.

   b. Have available written operating procedures for weigh stations, mixer, and dump stations (EU-02) and associated pollution control equipment. These procedures shall be based on the manufacturer's recommendations, at minimum.

   c. Maintain an inventory of spare parts that are needed to minimize the duration of pollution control equipment breakdowns.

   (9 VAC 5-80-110)

**B. Monitoring**

1. At least one time per month an observation of the presence of visible emissions from the stack (P18) of the fabric filter controlling emissions from the weigh stations, mixers, and dump stations (EU-02) shall be made. The presence of visible emissions shall require the permittee to:

   a. take timely corrective action such that the weighing, mixing, and dumping systems (EU-02) resume operation with no visible emissions, or,

   b. conduct a visible emission evaluation (VEE) in accordance with EPA Method 9 (reference 40 CFR 60, Appendix A) for a minimum of six minutes, to assure visible emissions from the fabric filter stack (P18) are less than or equal to 20% opacity. If any of the observations exceed the opacity limitation of 20%, the observation period shall continue until a total of 60 minutes of observation have been completed. Timely corrective action shall be taken, if necessary, such that

the fabric filter controlling emissions from the weigh stations, mixer, and dump stations (EU-02) resumes operation within the 20% opacity limit.

c. Anytime the monthly visible emission observations show visible emissions, or when requested by DEQ, the monitoring frequency shall be increased to once per week for that stack. After achieving four consecutive weeks without visible emissions from this stack, the permittee may resume monthly visible emissions observations.

The permittee shall maintain a observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If the weigh stations, mixer, or dump stations has not been operated for any period during the month or week, it shall be noted in the log book.
(9 VAC 5-80-110 E and 9 VAC 5-80-110 K)

**C. Recordkeeping**

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the South Central Regional Office. These records shall include, but are not limited to:

   a. Results of the monthly or weekly opacity observation of the exhaust stack (P18) for the fabric filter controlling emissions from the weigh stations, mixer, and dump stations (EU-02), along with any corrective actions.

   b. Operating procedures, maintenance schedules, and service records for all air pollution-related equipment.

   c. Records sufficient to show compliance with the allowable emission limit including the origin and value of all emission factors for all pollutants.

   These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
   (9 VAC 5-50-50 and 9 VAC 5-80-110)

## X. NESHAPS Subpart N - National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants

The existing source requirements of 40 CFR 61 Subpart N as described in Table II E below applies to each of the following equipment: T172, T174, T175, T176, and T177.

**Table IIE.**

| Regulated Pollutant | Limitation/Standard megagrams/yr* | Applicable Requirement |
|---|---|---|
| Arsenic | 2.5 | 40 CFR 61.162 (a) (1) |

*Megagrams/yr calculated monthly as the sum of each consecutive 12 month period.

(9 VAC 5-80-110 and 40 CFR 61 Subpart N)

# XI. Facility Wide Conditions

## A. Limitations

1. Unless otherwise specified in this permit, for an existing emission unit at the facility, visible emissions shall not exceed 20 percent opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed 60 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
(9 VAC 5-40-80 and 9 VAC 5-80-110)

2. Unless otherwise specified in this permit, for a new emission unit at the facility, visible emissions shall not exceed 20 percent opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-50-80 and 9 VAC 5-80-110)

# XII. General Conditions

## A. Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

## B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application consistent, with 9 VAC 5-80-80, has been submitted, to the Department, by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

**C. Recordkeeping and Reporting**

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

   a. The date, place as defined in the permit, and time of sampling or measurements.

   b. The date(s) analyses were performed.

   c. The company or entity that performed the analyses.

   d. The analytical techniques or methods used.

   e. The results of such analyses.

   f. The operating conditions existing at the time of sampling or measurement.

   (9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ every six months. The time periods to be addressed are the calendar months January through June and July through December. Each report must be postmarked within 30 days following each six-month reporting period. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

   a. The time period included in the report.

   b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

      (1) Exceedance of emissions limitations or operational restrictions;

      (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

      (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

   c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

   (9 VAC 5-80-110 F)

**D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to DEQ and EPA a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The time period to be covered by the certification is the calendar months January through December. Each report must be postmarked within 30 days following each annual period. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification.

2. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.

3. The identification of each term or condition of the permit that is the basis of the certification.

4. The status of compliance with the terms and conditions of this permit for the certification period.

5. Consistent with subsection 9 VAC 5-80-110 E, identification of the method or methods used for determining the compliance status of the source with each term and condition at the time of certification and over the certification period, and whether such methods or other means provide continuous or intermittent data.

6. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

**E. Permit Deviation Reporting**

The permittee shall report by the next business day any deviations from permit requirements or any excess emissions, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken.
(9 VAC 5-80-110 F.2)

**F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours, notify the South Central Regional Office by facsimile transmission, telephone or

telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the South Central Regional Office.
(9 VAC 5-20-180 C)

**G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

**H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit, including those terms and conditions set forth in a tabular format. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

**I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

**J. Permit Action for Cause**

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G.4)

2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:

    a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any

regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;

b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;

c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase in authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;

d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;

e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;

f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);

g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

**K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege. (9 VAC 5-80-110 G.5)

**L. Duty to Submit Information**

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

**M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

**N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

**O. Startup, Shutdown, and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring

results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
(9 VAC 5-50-20)

**P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)

**Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

**R. Reopening For Cause**

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

**S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

**T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

**U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

   a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

   b. The permitted facility was at the time being properly operated.

   c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.

   d. The permittee notified the board of the malfunction within two working days following the time when the emissions limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, telegraph, or any other method that allows the permittee to comply with the deadline. The notice fulfills the requirement of 9 VAC 5-80-110 F.2. b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirements under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

**V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-260)

**W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An

applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

**X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

**Y. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

**Z. Changes to Permits for Emissions Trading**

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)